



Reprinted
February 27, 2008

ENGROSSED SENATE BILL No. 189

DIGEST OF SB 189 (Updated February 26, 2008 8:39 pm - DI 77)

Citations Affected: IC 15-1; IC 15-2.1; IC 15-7; IC 15-12; IC 15-14; IC 15-17.

Synopsis: Various issues concerning agriculture and animals. Removes the restriction that only counties that contain more than \$20,000,000 in property tax value may make an allowance to an interstate fair corporation. Requires that the petition for an allowance for a tax levy to support county 4-H clubs be published in a newspaper in the county. (Current law requires that the petition be printed in a newspaper that is published and printed in the county.) Prohibits tampering or altering with an identification mark on goats and cervids that have reacted positively to a tuberculin test. Removes a conflicting provision that prohibits the state board of animal health from adopting rules to exempt certain testing requirements from animals that present
(Continued next page)

Effective: July 1, 2008.

Ford, Landske, Arnold, Broden

(HOUSE SPONSORS — GIAQUINTA, FOLEY, BATTLES, BEHNING)

January 8, 2008, read first time and referred to Committee on Agriculture and Small Business.

January 24, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

January 30, 2008, read first time and referred to Committee on Agriculture and Rural Development.

February 21, 2008, reported — Do Pass.

February 26, 2008, read second time, amended, ordered engrossed.

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Digest Continued

little risk of spreading disease. Requires that certain persons who are not the owner of an animal but has reason to suspect that the animal has a dangerous, contagious, or infectious disease to make a report to the state veterinarian or local health officer within 48 hours. Provides that the stockholders or members of an agricultural cooperative created before February 23, 1925, by majority vote, may elect to be governed by certain agricultural cooperative laws by limiting its stockholders or membership. (Current law provides for a vote limiting only membership.) (The introduced version of this bill was prepared by the code revision commission.)

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February 27, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 189

A BILL FOR AN ACT to amend the Indiana Code concerning
agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-1-2-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. **(a) As used in this**
3 **section, "county executive" means the board of commissioners of**
4 **a county elected under IC 36-2-2-2.**

5 **(b) The board of county commissioners of any county containing**
6 **taxable property of the value of twenty million dollars (\$20,000,000)**
7 **or more; in which an interstate fair, as authorized by this chapter, shall**
8 **be located; executive may in their discretion, make an allowance out**
9 **of the general funds of said the county to said association. But a**
10 **corporation incorporated under this chapter.**

11 **(c) Before any such an allowance shall be under subsection (b) is**
12 **made, the president or secretary of the association shall file a sworn**
13 **statement with said board his sworn statement, the county executive,**
14 **showing the:**

15 **(1) name and date of organization of such the association; and the**

16 **(2) amount expended for fair grounds and permanent**
17 **improvements thereon, needed for the fair grounds, and the**

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amount necessary to be expended to complete such the improvements. whereupon;

(d) After receiving a sworn statement under subsection (c), the board county executive may make such allowances as it shall deem an allowance that the county executive considers necessary, but that does not exceeding in the aggregate, the sum of exceed either of the following:

(1) Ten thousand dollars (\$10,000). and not exceeding

(2) One-half (1/2) the amount shown by such the statement to have been be expended on such the grounds and improvements.

And

(e) The amount so appropriated under this chapter shall be section is a lien on all the real and personal property of said the association. and no

(f) Dividends shall may not be declared or paid to the incorporators or stockholders until the appropriation made by the board shall be is repaid to the county treasurer with interest.

SECTION 2. IC 15-1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Whenever The president or secretary of any such society or organization shall file a 4-H club described in section 1 of this chapter may file a petition signed by at least thirty (30) resident freeholders of the county with the county auditor of any the county, a petition signed by thirty (30) or more resident freeholders of such county, requesting that the board of commissioners to executive make any an allowance provided for in section 1 of this chapter.

(b) The county auditor shall cause such have the petition, without the signatures, attached thereto, to be published printed in a newspaper of general circulation printed and that is published in the county. and said auditor shall in said

(c) The notice give the must state the date, time, and place when such the petition will be considered by the board of county commissioners, which executive. The auditor shall set the date, time, shall be fixed by the auditor for not less than: and place at which the petition will be considered, which must be at least thirty (30) days after the publication of such the notice.

(d) If: on or before

(1) not later than the time fixed published in said the notice for the consideration of said the petition by the board of county commissioners, executive, a remonstrance signed by more resident freeholders of the county than the number signing the petition shall be is filed with the county auditor protesting the

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making of the allowance, as petitioned for, the said board executive shall consider ~~such~~ the remonstrance; and if it **(2) the executive** finds that ~~it the remonstrance~~ is signed by a greater number of resident freeholders than the petition asking for an allowance, the board of county commissioners shall have no authority to executive:

(A) may not make an allowance for ~~such purpose~~ the purposes set forth in section 1 of this chapter; and

(B) shall dismiss ~~said the~~ petition and take no further action thereon.

~~(b) (e) Any such~~ After final acceptance by the executive, a petition after final acceptance by the board of county commissioners, ~~shall be under this section is~~ effective for one (1) ~~or more to five (5)~~ years, ~~such time to be as~~ determined by the board; but in no event for a longer period of time than five (5) years. executive.

~~(c) (f)~~ The county council shall have the power and authority to ~~may~~ levy an annual tax of not to exceed ~~more than~~ three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation for the purpose of:

(1) constructing;

(2) operating; or

(3) maintaining; ~~any~~

a building owned and operated by ~~such an agricultural association~~. Provided, however, that ~~such a 4-H club described in section 1 of this chapter~~. The tax may be levied only until the building has been constructed and in no event ~~or~~ for a longer period of time ~~not more~~ than five (5) years, ~~whichever occurs first~~. After the building has been constructed, the county council may levy an annual tax of not to exceed ~~more than~~ sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of assessed valuation for the purpose of operating and maintaining ~~such the~~ building.

~~(d) (g)~~ Any agricultural association shall have the power and authority to ~~A 4-H club described in section 1 of this chapter~~ may solicit and accept contributions of any kind ~~or nature of contribution~~ for the development and maintenance of ~~any of their the organization's~~ projects.

SECTION 3. IC 15-2.1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Cattle, goats, and cervids that ~~show a positive reaction~~ react positively to a tuberculin test ~~shall must~~ be marked immediately using a method of identification approved by the board.

(b) All animals identified in accordance with the foregoing

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provisions marked under this section shall be appraised by an authorized agent of the board or the United States Department of Agriculture.

(c) An identification mark on reactor cattle, goats, and cervids may not be tampered with or altered.

SECTION 4. IC 15-2.1-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The board may adopt rules requiring that:

(1) all dairy or breeding cattle and bison sold through any public or private sale must be accompanied with an official health certificate; and ~~that~~

(2) the cattle and bison test negative for brucellosis and tuberculosis.

However, a special form as prescribed by the board may be used for this purpose instead of the certificate of veterinary inspection.

(b) The board may adopt rules exempting animals from testing for brucellosis and tuberculosis within Indiana or other states or areas.

(c) ~~The board may not adopt rules exempting animals presenting little risk of spreading disease from brucellosis and tuberculosis testing requirements. However,~~ The state veterinarian may order cattle of any age to be tested to determine the disease status of the animal.

SECTION 5. IC 15-2.1-18-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The owner of an animal affected with a dangerous or contagious disease shall report the disease to the state veterinarian ~~the existence of the disease within not later than~~ forty-eight (48) hours after knowing it to exist. ~~Any other discovering the existence of the disease.~~

(b) A person ~~knowing who is not the owner of an animal but knows or having~~ has reason to suspect that a dangerous, contagious, or infectious disease ~~to exist exists~~ among animals shall report the ~~same existence of disease~~ to the state veterinarian or local health officer not ~~more later~~ than forty-eight (48) hours after discovering or ~~having reason to suspect that the condition disease~~ exists.

(c) A local health officer ~~that who~~ receives a report from a person under this section shall report it the disease within twenty-four (24) hours to the state veterinarian.

SECTION 6. IC 15-7-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) Any corporation or association, organized under statutes in effect before February 23, 1925, may, by a majority vote of its stockholders or members, elect to be brought under governed by this chapter by:

(1) limiting its stockholders or membership; and

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(2) adopting the other restrictions provided in this chapter.

(b) The corporation or association shall make out in duplicate a statement signed and sworn to by its directors, ~~to the effect specifying~~ that the corporation or association has, by a majority vote of the stockholders or members:

(1) decided to accept the benefits and be bound by this chapter; and ~~has~~

(2) authorized ~~all the~~ changes. ~~accordingly.~~

Articles of incorporation shall be filed as required in section 7 of this chapter, except that ~~they the articles of incorporation~~ shall be signed by the **current** members of the ~~then~~ board of directors. The filing fee shall be the same as for filing an amendment to articles of incorporation.

SECTION 7. IC 15-12-1-43, AS ADDED BY SEA 190-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 43. (a) A corporation or an association organized under statutes in effect before February 23, 1925, may by a majority vote of its stockholders or members, ~~may~~ elect to be governed by this chapter by:

(1) limiting its **stockholders or** membership; and

(2) adopting the other restrictions provided in this chapter.

(b) The corporation or association shall make out in duplicate a statement signed and sworn to by its directors specifying that the corporation or association has, by a majority vote of the stockholders or members:

(1) decided to accept the benefits of and be bound by this chapter; and

(2) authorized the changes.

Articles of incorporation must be filed as required in section 12 of this chapter, except that the articles of incorporation must be signed by the current members of the board of directors. The filing fee is the same as for filing an amendment to articles of incorporation.

SECTION 8. IC 15-14-1-12, AS ADDED BY SEA 190-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "county executive" means the board of commissioners of a county elected under IC 36-2-2-2.

(b) The county executive ~~of a county containing taxable property with a value of at least twenty million dollars (\$20,000,000)~~ may make an allowance out of the general fund of the county to a corporation incorporated under this chapter.

(c) Before an allowance under subsection (b) is made, the president

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or secretary of the association shall file a sworn statement with the county executive showing the:

- (1) name and date of organization of the association; and
- (2) amount expended for fairgrounds and permanent improvements needed for the fairgrounds and the amount necessary to complete the improvements.

(d) After receiving a sworn statement under subsection (c), the county executive may make an allowance that the county executive considers necessary, but that does not exceed either of the following:

- (1) Ten thousand dollars (\$10,000).
- (2) One-half (1/2) the amount shown by the statement to be expended on the grounds and improvements.

(e) The amount appropriated under this section is a lien on the real and personal property of the association.

(f) Dividends may not be declared or paid to the incorporators or stockholders until the appropriation made by the board is repaid to the county treasurer with interest.

SECTION 9. IC 15-14-7-3, AS ADDED BY SEA 190-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The president or secretary of a 4-H club described in section 2 of this chapter may file a petition signed by at least thirty (30) resident freeholders of the county with the county auditor of the county requesting that the executive make an appropriation provided for in section 2 of this chapter.

(b) The county auditor shall have the petition, without the signatures, ~~published~~ **printed** in a newspaper of general circulation ~~printed and that is published~~ in the county.

(c) The notice must state the date and time when the petition will be considered by the executive. The auditor shall set the date, ~~and~~ time, **and place** at which the petition will be considered, which must be at least thirty (30) days after the publication of the notice.

(d) If not later than the date and time published in the notice for the consideration of the petition by the executive, a remonstrance signed by more resident freeholders of the county than the number signing the petition is filed with the county auditor protesting the allowance, the executive shall consider the remonstrance. If the executive finds that the remonstrance is signed by a greater number of resident freeholders than the petition asking for an allowance, the executive:

- (1) may not make an appropriation for the purposes set forth in section 2 of this chapter; and
- (2) shall dismiss the petition and take no further action.

(e) After final acceptance by the executive, a petition under this

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section is effective for one (1) to five (5) years, as determined by the executive.

SECTION 10. IC 15-17-7-5, AS ADDED BY SEA 190-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Cattle, goats, and cervids that react positively to a tuberculin test must be marked immediately using a method of identification approved by the board.

(b) All animals marked under this section shall be appraised by an authorized agent of the board or the United States Department of Agriculture.

(c) An identification mark on reactor cattle, **goats, and cervids** may not be tampered with or altered.

SECTION 11. IC 15-17-10-1, AS ADDED BY SEA 190-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The owner of an animal affected with a dangerous or contagious disease shall report the disease to the state veterinarian not later than forty-eight (48) hours after discovering the existence of the disease.

(b) ~~A person~~ **veterinarian, caretaker, or custodian of an animal** who:

(1) is not the owner of ~~an~~ **the** animal; ~~who and~~

(2) knows or has reason to suspect that a dangerous, contagious, or infectious disease exists ~~among animals in the animal~~;

shall report the existence of disease to the state veterinarian or local health officer not later than forty-eight (48) hours after discovering **or having reason to suspect** the disease exists.

(c) A local health officer who receives a report from a person under this section shall report the disease within twenty-four (24) hours to the state veterinarian.

SECTION 12. IC 15-17-15-3, AS ADDED BY SEA 190-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The board may adopt rules requiring that:

(1) all dairy or breeding cattle and bison sold through any public or private sale must be accompanied with an official health certificate; and

(2) the cattle and bison test negative for brucellosis and tuberculosis.

However, a special form prescribed by the board may be used for this purpose instead of the certificate of veterinary inspection.

(b) The board may adopt rules exempting animals from testing for brucellosis and tuberculosis within Indiana or other states or areas.

(c) ~~The board may not adopt rules exempting animals presenting~~

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- 1 little risk of spreading disease from brucellosis and tuberculosis testing
- 2 requirements. However, The state veterinarian may order cattle of any
- 3 age to be tested to determine the disease status of the animal.

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, strike "published" and insert "**printed**".

Page 2, line 28, reset in roman "newspaper".

Page 2, line 29, delete "qualified publication (as defined in IC 5-3-1-0.7)".

Page 2, line 30, before "published" insert "**that is**".

Page 2, line 30, reset in roman "published".

and when so amended that said bill do pass.

(Reference is to SB 189 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PFLUM, Chair

Committee Vote: yeas 10, nays 1.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 189 be amended to read as follows:

Page 5, after line 13, begin a new paragraph and insert:

"SECTION 7. IC 15-12-1-43, AS ADDED BY SEA 190-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 43. (a) A corporation or an association organized under statutes in effect before February 23, 1925, may by a majority vote of its stockholders or members, ~~may~~ elect to be governed by this

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chapter by:

- (1) limiting its **stockholders or** membership; and
- (2) adopting the other restrictions provided in this chapter.

(b) The corporation or association shall make out in duplicate a statement signed and sworn to by its directors specifying that the corporation or association has, by a majority vote of the stockholders or members:

- (1) decided to accept the benefits of and be bound by this chapter; and
- (2) authorized the changes.

Articles of incorporation must be filed as required in section 12 of this chapter, except that the articles of incorporation must be signed by the current members of the board of directors. The filing fee is the same as for filing an amendment to articles of incorporation.

SECTION 8. IC 15-14-1-12, AS ADDED BY SEA 190-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "county executive" means the board of commissioners of a county elected under IC 36-2-2-2.

(b) The county executive ~~of a county containing taxable property with a value of at least twenty million dollars (\$20,000,000)~~ may make an allowance out of the general fund of the county to a corporation incorporated under this chapter.

(c) Before an allowance under subsection (b) is made, the president or secretary of the association shall file a sworn statement with the county executive showing the:

- (1) name and date of organization of the association; and
- (2) amount expended for fairgrounds and permanent improvements needed for the fairgrounds and the amount necessary to complete the improvements.

(d) After receiving a sworn statement under subsection (c), the county executive may make an allowance that the county executive considers necessary, but that does not exceed either of the following:

- (1) Ten thousand dollars (\$10,000).
- (2) One-half (1/2) the amount shown by the statement to be expended on the grounds and improvements.

(e) The amount appropriated under this section is a lien on the real and personal property of the association.

(f) Dividends may not be declared or paid to the incorporators or stockholders until the appropriation made by the board is repaid to the county treasurer with interest.

SECTION 9. IC 15-14-7-3, AS ADDED BY SEA 190-2008,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The president or secretary of a 4-H club described in section 2 of this chapter may file a petition signed by at least thirty (30) resident freeholders of the county with the county auditor of the county requesting that the executive make an appropriation provided for in section 2 of this chapter.

(b) The county auditor shall have the petition, without the signatures, ~~published~~ **printed** in a newspaper of general circulation ~~printed and that is published~~ in the county.

(c) The notice must state the date and time when the petition will be considered by the executive. The auditor shall set the date, ~~and~~ time, **and place** at which the petition will be considered, which must be at least thirty (30) days after the publication of the notice.

(d) If not later than the date and time published in the notice for the consideration of the petition by the executive, a remonstrance signed by more resident freeholders of the county than the number signing the petition is filed with the county auditor protesting the allowance, the executive shall consider the remonstrance. If the executive finds that the remonstrance is signed by a greater number of resident freeholders than the petition asking for an allowance, the executive:

- (1) may not make an appropriation for the purposes set forth in section 2 of this chapter; and
- (2) shall dismiss the petition and take no further action.

(e) After final acceptance by the executive, a petition under this section is effective for one (1) to five (5) years, as determined by the executive.

SECTION 10. IC 15-17-7-5, AS ADDED BY SEA 190-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Cattle, goats, and cervids that react positively to a tuberculin test must be marked immediately using a method of identification approved by the board.

(b) All animals marked under this section shall be appraised by an authorized agent of the board or the United States Department of Agriculture.

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SECTION 11. IC 15-17-10-1, AS ADDED BY SEA 190-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The owner of an animal affected with a dangerous or contagious disease shall report the disease to the state veterinarian not later than forty-eight (48) hours after discovering the existence of the disease.

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(b) A ~~person~~ **veterinarian, caretaker, or custodian of an animal** who:

(1) is not the owner of ~~an~~ **the** animal; ~~who and~~

(2) knows or has reason to suspect that a dangerous, contagious, or infectious disease exists ~~among animals in the animal~~;

shall report the existence of disease to the state veterinarian or local health officer not later than forty-eight (48) hours after discovering **or having reason to suspect** the disease exists.

(c) A local health officer who receives a report from a person under this section shall report the disease within twenty-four (24) hours to the state veterinarian.

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(1) all dairy or breeding cattle and bison sold through any public or private sale must be accompanied with an official health certificate; and

(2) the cattle and bison test negative for brucellosis and tuberculosis.

However, a special form prescribed by the board may be used for this purpose instead of the certificate of veterinary inspection.

(b) The board may adopt rules exempting animals from testing for brucellosis and tuberculosis within Indiana or other states or areas.

(c) ~~The board may not adopt rules exempting animals presenting little risk of spreading disease from brucellosis and tuberculosis testing requirements. However,~~ The state veterinarian may order cattle of any age to be tested to determine the disease status of the animal."

Renumber all SECTIONS consecutively.

(Reference is to ESB 189 as printed February 22, 2008.)

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